

11:24:29 1 Q. Did she say anything, as you recall, that
11:24:31 2 didn't make it on tape?

11:24:34 3 A. Excuse me?

11:24:35 4 Q. Sometimes tape recorders don't pick up
11:24:38 5 everything that's said. Do you believe June Hom
11:24:41 6 said something that's not on the tape?

11:24:43 7 A. No.

11:24:47 8 Q. How long did this conversation with Linda
11:24:49 9 Day take?

11:24:51 10 A. To the best of my knowledge, maybe 10
11:24:53 11 minutes. Maybe.

11:24:53 12 Q. And where did it take place?

11:24:56 13 A. In one of the conference rooms.

11:25:02 14 Q. Was the door closed?

11:25:04 15 A. To the best of my knowledge, I can't tell
11:25:05 16 you.

11:25:05 17 Q. What does this have on it that would
11:25:17 18 pertain to your lawsuit?

11:25:23 19 A. Their action against me.

11:25:25 20 Q. Okay. Tell me, what kind of action?

11:25:28 21 A. They wanted my notes, my personal notes,
11:25:31 22 and they wanted to -- well -- well, that day she did
11:25:37 23 not tell me about Sherry. She basically was
11:25:41 24 accusing me of approaching people in a

11:25:45 1 disrespectful, unprofessional manner.

11:25:48 2 Q. She said she had had some people tell her
11:25:50 3 that you were talking to them disrespectfully?

11:25:53 4 A. Yes.

11:25:53 5 Q. And you denied it?

11:25:57 6 A. Yes.

11:25:57 7 Q. And she asked you to watch it; is that
11:26:06 8 correct?

11:26:07 9 A. Excuse me?

11:26:08 10 Q. Did she ask you to watch how you spoke to
11:26:10 11 other people?

11:26:14 12 A. To the best of my knowledge, it may be
11:26:18 13 possible, I think -- but she told me that -- no.

11:26:21 14 Huh-uh. No. She asked me had I spoken with
11:26:26 15 somebody -- I don't believe -- no, she did not say
11:26:35 16 watch.

11:26:35 17 Q. Did she say, Be careful how you speak to
11:26:35 18 other people, that they may perceive the way you're
11:26:35 19 talking to them to be offensive?

11:26:37 20 A. On this tape I cannot, to the best of my
11:26:39 21 knowledge, I cannot say.

11:26:40 22 Q. All right. Let me ask you about A side.
11:26:49 23 All right?

11:26:50 24 A. (Nodding head.)

11:26:51 1 Q. This is a conversation that you had with
11:26:54 2 Sherry Compton?
11:26:56 3 A. Yes.
11:26:58 4 Q. Is Sherry Compton sometimes referred to as
11:27:01 5 Kat?
11:27:02 6 A. Yes.
11:27:03 7 Q. C-A-T?
11:27:06 8 A. Kat. That's all I know. Kat. I can't
11:27:09 9 tell you if it's K-A-T or C-A-T.
11:27:14 10 Q. Because you've got it spelled on here
11:27:16 11 K-A-T?
11:27:17 12 A. Right. Her name's Kathy as well, I
11:27:19 13 believe.
11:27:20 14 Q. So that's where Kat comes from?
11:27:22 15 A. Yes.
11:27:23 16 Q. Nickname?
11:27:24 17 A. Excuse me?
11:27:25 18 Q. Is it a nickname, as best you understand?
11:27:28 19 A. Yes.
11:27:29 20 Q. Okay. Why were you having a conversation
11:27:36 21 with Sherry Compton that was recorded here?
11:27:38 22 A. I asked her was she watching me.
11:27:40 23 Q. And why was that of concern to you?
11:27:42 24 A. Because she was watching me.

11:27:45 1 Q. If she were watching you, why would that
11:27:49 2 be of concern to you?

11:27:53 3 A. Because -- because she was watching me.

11:27:58 4 Q. You weren't doing anything wrong, were
11:28:00 5 you?

11:28:00 6 A. Pardon?

11:28:01 7 Q. You were not doing anything wrong, were
11:28:02 8 you?

11:28:03 9 A. No.

11:28:04 10 Q. So what would be the problem with her
11:28:06 11 watching you?

11:28:07 12 A. Because she watched me for all day,
11:28:09 13 basically.

11:28:11 14 Q. Now, did she tell you that she was not
11:28:13 15 watching you?

11:28:14 16 A. Yes.

11:28:14 17 Q. Have you done a transcript of this
11:28:19 18 conversation with Sherry Compton?

11:28:22 19 A. Yes.

11:28:22 20 Q. Have you marked it as an exhibit?

11:28:24 21 A. Yes.

11:28:24 22 Q. Is there a reason why you did a transcript
11:28:33 23 of that conversation and would not have done one for
11:28:36 24 the B side that contains the meeting that you had

11:28:40 1 with Linda Day?

11:28:42 2 A. Well, on the B side, 10/17, 2000, I
11:28:49 3 haven't -- I've been sickly and I just haven't --
11:28:53 4 these tapes makes me feel bad.

11:28:56 5 Q. Okay.

11:28:58 6 A. So I do it when I can.

11:29:06 7 Q. Why is the word "payday" written on this
11:29:09 8 cassette, ma'am?

11:29:10 9 A. Because that's probably the day we got
11:29:12 10 paid.

11:29:13 11 Q. The day you talked to Sherry Compton was
11:29:16 12 the day you got paid?

11:29:19 13 A. No. Payday, August 18th, 2000, day after
11:29:28 14 that -- it's two different inks on there.

11:29:31 15 Q. Okay. Do you think you wrote "payday" on
11:29:33 16 there at a time different than what "Kat" was
11:29:36 17 written on there?

11:29:37 18 A. Yes.

11:29:40 19 Q. Do you know why you wrote "payday" on
11:29:42 20 there?

11:29:42 21 A. I guess to verify the day.

11:29:45 22 Q. Does this side A have more on it than your
11:29:52 23 conversation with Sherry Compton?

11:29:57 24 A. Yes, probably so, because it got "payday."

11:30:00 1 Q. Okay. What else does it have on there
11:30:01 2 then?

11:30:02 3 A. To the best of my knowledge, I can't -- I
11:30:04 4 don't know.

11:30:04 5 Q. Payday doesn't help you recall?

11:30:06 6 A. Well, no. On -- the 8/18 do. Sadie
11:30:11 7 Williams was fired on the 17th.

11:30:19 8 Q. Sadie Williams was fired on the 17th of
11:30:22 9 August of 2000?

11:30:23 10 A. Yes.

11:30:25 11 Q. All right.

11:30:27 12 A. And it do now. Yes, it does. Butler
11:30:31 13 County came after me on 8/18, 2000.

11:30:35 14 Q. What do you mean by Butler County came
11:30:36 15 after you on August 18, 2000?

11:30:38 16 A. They proceeded to start making false
11:30:43 17 accusations against me.

11:30:48 18 Q. Who made a false accusation against you on
11:30:50 19 August 18?

11:30:51 20 A. Linda Day would not state at that time who
11:30:54 21 did.

11:31:40 22 Q. So what else do you think now, if
11:31:42 23 anything, is on this side A besides the conversation
11:31:46 24 with Sherry Compton? Is there a conversation with

11:31:48 1 Linda Day?

11:31:50 2 A. Yes, I believe.

11:31:52 3 Q. And this conversation has to do with her
11:31:55 4 telling you that people were making complaints about
11:32:00 5 you?

11:32:00 6 A. You -- yes. You have it.

11:32:04 7 Q. Well, I thought that was in October, but
11:32:06 8 we're talking here about August the 18th.

11:32:09 9 A. Yes.

11:32:09 10 Q. So I may be confused. I'm simply trying
11:32:13 11 to understand what you think is on this tape.

11:32:14 12 A. Yes. You have that transcript.

11:32:16 13 Q. Of August 18?

11:32:18 14 A. Yes.

11:32:19 15 Q. And it's an exhibit?

11:32:21 16 A. Yes.

11:32:22 17 Q. Okay. Who was present when that
11:32:26 18 conversation occurred?

11:32:28 19 A. Linda Day and myself.

11:32:31 20 Q. Anybody else?

11:32:32 21 A. No.

11:32:55 22 Q. So side A has a conference or conversation
11:32:59 23 that you had with Sherry Compton, it has a
11:33:05 24 conversation that you had with Linda Day. Do you

11:33:10 1 think it has more on it than that?

11:33:12 2 A. To the best of my knowledge, those are the
11:33:15 3 only two conversations, I believe.

11:33:17 4 Q. All right. To the best of your knowledge,
11:33:25 5 did either Linda Day or Sherry Compton know that you
11:33:29 6 were taping the conversation that you had with them?

11:33:34 7 A. No.

11:33:35 8 Q. Did you initiate the conversation with
11:33:36 9 Sherry Compton?

11:33:37 10 A. Yes.

11:33:41 11 Q. Did you initiate the conversation with
11:33:43 12 Linda Day?

11:33:43 13 A. No.

11:33:44 14 Q. Where did that conversation take place?

11:33:46 15 A. Which one?

11:33:47 16 Q. I'm sorry. The one with Linda Day.

11:33:49 17 A. In the conference room.

11:33:50 18 Q. How about the one with Sherry Compton?

11:33:58 19 A. By the bathroom or break room.

11:34:00 20 Q. Do you know of anyone that was within
11:34:02 21 hearing distance of your conversation with Sherry
11:34:04 22 Compton?

11:34:07 23 A. To the best of my knowledge, no, because
11:34:09 24 we had walked from one area right into the aisle

11:34:15 1 where it wasn't nobody there, as far as I'm aware
11:34:19 2 of.

11:34:19 3 Q. Had you talked to an employee by the name
11:34:31 4 of Tammy about your concern that Sherry Compton was
11:34:31 5 watching you?

11:34:31 6 A. Yes.

11:34:31 7 Q. And who is Tammy?

11:34:32 8 A. Security.

11:34:33 9 Q. For Butler County, Department of Job and
11:34:35 10 Family Services?

11:34:38 11 A. Yes.

11:34:38 12 Q. And what, in the area of security, what
11:34:41 13 did she actually do in her job?

11:34:46 14 A. Which one, Tammy?

11:34:48 15 Q. Tammy.

11:34:48 16 A. In the front area.

11:34:50 17 Q. Was Sherry Compton in security as well?

11:34:53 18 A. Yes.

11:34:54 19 Q. And what did she do?

11:34:56 20 A. She stayed in the back the majority of the
11:35:00 21 time.

11:35:00 22 Q. All right.

11:35:02 23 A. But sometimes she would be in the front.

11:35:05 24 Q. Where was she when you say that you saw

11:35:09 1 her watching you?

11:35:10 2 A. In the back.

11:35:14 3 Q. And where in the back was she?

11:35:16 4 A. Basically around, I'm going to say two
11:35:21 5 seats from my left -- no, two seats from my right
11:35:25 6 and back maybe two seats. She was like right behind
11:35:29 7 me watching me.

11:35:31 8 Q. Was she standing or seated?

11:35:32 9 A. Seated.

11:35:34 10 Q. Was that her desk?

11:35:35 11 A. No.

11:35:36 12 Q. Who's desk was it?

11:35:38 13 A. Susan Oakes.

11:35:39 14 Q. And who is Susan Oakes?

11:35:41 15 A. She was a case worker there. And Susan
11:35:44 16 was not there for the day.

11:35:50 17 Q. Do you know who Sherry Compton's
11:35:54 18 supervisor was?

11:35:59 19 A. He same -- no, but he came into the
11:36:02 20 office.

11:36:02 21 Q. When?

11:36:05 22 A. After they submitted letters. After
11:36:09 23 Sherry submitted her statement to Butler County.

11:36:20 24 Q. Sherry Compton submitted a statement in

11:36:22 1 which she discussed her conversation with you,
11:36:26 2 correct?

11:36:26 3 A. Yes.

11:36:28 4 Q. You've reviewed that statement?

11:36:31 5 A. Yes.

11:36:32 6 Q. Is there anything false in that statement?

11:36:36 7 A. Yes.

11:36:36 8 Q. What is it that's false in that statement?

11:36:38 9 A. You have it.

11:36:40 10 Q. I have the statement, but I don't know
11:36:42 11 what you say is false.

11:36:43 12 A. Yes, you have. I submitted a transcript
11:36:45 13 to you.

11:36:45 14 Q. Well, what do you say was false that
11:36:48 15 Sherry said?

11:36:49 16 A. Well, you have her statement and what I
11:36:51 17 wrote, how she said I approached her in a demeaning
11:36:54 18 manner and disrespectful. None of that was true.

11:36:58 19 Q. Okay.

11:36:59 20 A. And she also told me that I should have
11:37:01 21 came to her a long time ago. And you read my
11:37:05 22 transcript. It's different from her statement.

11:37:17 23 Q. I read the transcript, and I thought that
11:37:22 24 she said in there to you that you should have come

11:37:24 1 to her if you had a concern about her watching you.

11:37:27 2 A. Yes.

11:37:28 3 Q. She did say that, did she?

11:37:30 4 A. I believe so, yes, but she said it in a
11:37:33 5 pleasant manner, as a concerned manner. She didn't
11:37:38 6 say it in a negative manner. It was like she was
11:37:41 7 sympathizing with what I was going through.

11:37:44 8 Q. Okay. In the transcript it seemed that
11:37:49 9 she took offense at the fact that you went to Tammy
11:37:52 10 before you went to her about this problem.

11:37:54 11 A. Yes, she did.

11:38:11 12 Q. I'm going to ask you about what's been
11:38:20 13 marked as Deposition Exhibit F, Ms. Hurston. This
11:38:26 14 is another of the microcassettes that you brought
11:38:32 15 with you today, correct?

11:38:33 16 A. Yes.

11:38:34 17 Q. And if we open up the container -- there
11:38:43 18 we go -- there is no handwriting on the B side,
11:38:48 19 correct?

11:38:48 20 A. Correct.

11:38:49 21 Q. But there is handwriting on the A side,
11:38:52 22 correct?

11:38:52 23 A. Yes.

11:38:53 24 Q. Is that your handwriting?

11:38:55 1 A. Yes.

11:38:56 2 Q. Can you read it for me, please.

11:38:58 3 A. It says "Written reprimand, 10/17/00."

11:39:03 4 Then it's got Linda Day, or "L. Day," and it's got

11:39:09 5 "BB MB."

11:39:12 6 Q. What does that stand for, ma'am?

11:39:15 7 A. It stands for Madeline Burns.

11:39:19 8 Q. Madeline Burns?

11:39:22 9 A. Yeah.

11:39:22 10 Q. Who is Madeline Burns?

11:39:25 11 A. Supervisor.

11:39:26 12 Q. Why does it have that on it? Why did you

11:39:29 13 write that there?

11:39:30 14 A. Because Linda asked her to sit in on the

11:39:32 15 meeting.

11:39:36 16 Q. Is her voice on this tape?

11:39:38 17 A. No.

11:39:39 18 Q. Whose voices are on the tape?

11:39:41 19 A. Mine's, Linda Day and Bob Bullock. That's

11:39:45 20 what the "BB" is for.

11:39:50 21 Q. Do you know whether the whole one side of

11:39:54 22 this cassette is recorded?

11:39:58 23 A. To the best of my knowledge, no.

11:40:00 24 Q. Do you remember about how long this

11:40:01 1 hearing took?

11:40:09 2 A. To the best of my knowledge, maybe 10 to
11:40:10 3 15 minutes, maybe.

11:40:15 4 Q. Was there anybody present for the hearing
11:40:17 5 we haven't identified?

11:40:18 6 A. No.

11:40:19 7 Q. Where did it take place, ma'am?

11:40:28 8 A. To the best of my knowledge, the
11:40:29 9 conference room.

11:40:30 10 Q. In Middletown?

11:40:32 11 A. Yes.

11:40:33 12 Q. Was there any record kept of the hearing,
11:40:34 13 such as a court reporter, a tape-recorder, other
11:40:39 14 than your own, any notes being taken?

11:40:42 15 A. To the best of my knowledge, no.

11:40:43 16 Q. Okay. This was a hearing where Bob
11:40:50 17 Bullock was there as union representative?

11:40:54 18 A. Yes.

11:41:01 19 Q. What occurred during the hearing, in
11:41:03 20 general?

11:41:05 21 A. I received the reprimand, the written
11:41:08 22 reprimand.

11:41:09 23 Q. What was that written reprimand based
11:41:13 24 upon?

11:41:14 1 A. Sherry Compton and not giving my personal
11:41:20 2 notes.

11:41:21 3 Q. Okay. Could you explain what personal
11:41:26 4 notes you're referring to?

11:41:27 5 A. I had personal notes that I kept at home
11:41:31 6 or in my car. They wanted me to bring my notes in
11:41:36 7 and give them my notes.

11:41:39 8 Q. And you wouldn't do that?

11:41:41 9 A. Right.

11:41:42 10 Q. What were these notes for? What was the
11:41:46 11 purpose of keeping these notes?

11:41:47 12 A. I was just keeping the notes as a
11:41:50 13 protection for myself, because they were after me.

11:41:57 14 Q. Did you and Linda Day have a discussion
11:42:11 15 about those notes the day before the hearing?

11:42:11 16 A. Yes. That was the day. Let me see. Yes,
11:42:12 17 on the 17th is when we had the discussion.

11:42:15 18 Q. And she, as I understand the documents
11:42:19 19 here, she says that she ordered you to give her
11:42:23 20 those notes; do you remember that?

11:42:25 21 A. She asked me if I had any notes. I told
11:42:30 22 her I had personal notes. So, what she did, she
11:42:35 23 told me -- she didn't ask me where they were at, she
11:42:41 24 just told me to, I guess, bring them in, bring any

11:42:45 1 personal notes I had in. And -- well, she asked me
11:42:52 2 did I writing down the comings and the goings of
11:42:57 3 employees, and at that time I was not.

11:42:59 4 Q. But you did tell her that you did have
11:43:01 5 such notes, didn't you?

11:43:02 6 A. Yes, I did tell her I have notes, yeah.

11:43:04 7 Q. And that the notes involved the comings
11:43:07 8 and goings of the employees there?

11:43:09 9 A. Yes, they do.

11:43:10 10 Q. Okay. But you told her that, and then she
11:43:15 11 told you to turn them over, and you said they're
11:43:17 12 your personal notes and you didn't want to turn them
11:43:21 13 over, right?

11:43:21 14 A. Right.

11:43:22 15 Q. Okay. And then the next day you were
11:43:24 16 given a written reprimand for your contact, you
11:43:27 17 said, with Sherry Compton and for your failure to
11:43:31 18 bring the notes in?

11:43:32 19 A. Yes. Well, she asked me would I bring --
11:43:35 20 they asked me would I bring my notes in and put them
11:43:37 21 in an envelope. And I told them no.

11:43:40 22 Q. Do you still have those notes today?

11:43:43 23 A. Yes.

11:43:44 24 Q. Do you intend to use them as evidence in

11:43:47 1 this case?

11:43:47 2 A. It's a possibility.

11:43:49 3 Q. Okay. Have you produced them?

11:43:52 4 A. No.

11:43:55 5 Q. We would ask that you make copies of them
11:43:57 6 and produce them, if you're going to use them as
11:44:00 7 evidence.

11:44:00 8 A. If I'm going to use them as evidence I
11:44:03 9 will.

11:44:04 10 Q. When do you think you'll make that
11:44:05 11 decision, ma'am?

11:44:07 12 A. Well, don't we have to do a pretrial?

11:44:09 13 Q. Well, I'm entitled to discover things
11:44:12 14 before the pretrial.

11:44:13 15 A. Well, if I use them I will, but I haven't
11:44:16 16 even looked at them.

11:44:19 17 Q. Do you know where they are right now? I
11:44:21 18 mean, could you say, Oh, I know they're in a
11:44:23 19 specific place in my house?

11:44:24 20 A. Yes.

11:44:25 21 Q. Okay. So this isn't something that may
11:44:27 22 have gotten put somewhere else by somebody that
11:44:33 23 cleaned your house?

11:44:34 24 A. Right.

11:44:34 1 Q. Okay. Are we talking about volumes and
11:44:36 2 volumes of paper?

11:44:39 3 A. No.

11:44:40 4 Q. Are we talking about more than 10 sheets?

11:44:43 5 A. Maybe.

11:44:44 6 Q. Is there any way you can estimate for me
11:44:46 7 how many sheets we're talking about?

11:44:48 8 A. No.

11:44:48 9 Q. Do you think it's as much as a full legal
11:44:52 10 pad of paper?

11:44:53 11 A. To the best of my ability, no.

11:44:57 12 Q. Whose comings and goings were you
11:44:59 13 recording?

11:45:00 14 A. I wasn't recording who's comings and
11:45:03 15 goings. I was just recording my transactions of me
11:45:07 16 and what I do and what involves me.

11:45:11 17 Q. Why did you tell Linda Day that you were
11:45:15 18 keeping notes of comings and goings of people?

11:45:18 19 A. If I did I would have to put down me, if I
11:45:21 20 went to the doctor. Or say for instance if somebody
11:45:25 21 came to me, asked me for something or I talked to
11:45:28 22 someone, I may have put them down. Anybody that
11:45:31 23 came in contact with me or -- or basically have
11:45:35 24 something to do with me.

11:45:40 1 Q. So let me see if I understand what you're
11:45:41 2 telling me. If a person took a break, would that
11:45:46 3 kind of information, as far as the time they took on
11:45:49 4 their break, would that be in your notes?

11:45:52 5 A. Only -- only if it involves me or has
11:45:56 6 something to do with me.

11:46:06 7 (Discussion off the record.)

11:46:13 8 MR. MCGOWAN: While we were off the
11:46:14 9 tape-recorder Ms. Hurston had indicated that
11:46:17 10 she needed to take a break, and I'm fine with
11:46:19 11 that.

11:46:20 12 THE WITNESS: Yes.

11:46:21 13 (Recess taken: 11:46 a.m. - 11:56 a.m.)

11:57:01 14 BY MR. MCGOWAN:

11:57:02 15 Q. You were talked to about a break that you
11:57:04 16 allegedly took that was more than 15 minutes; do you
11:57:08 17 remember that?

11:57:09 18 A. It was alleged that I took 15-minute
11:57:13 19 break -- I mean, took over 15 minutes.

11:57:15 20 Q. Took over 15 minutes. So the fact that
11:57:18 21 you were talked to about that, would that mean that
11:57:20 22 your notes may contain times when other people took
11:57:24 23 breaks more than 15 minutes long?

11:57:30 24 A. If I saw it and it pertained with me or

11:57:33 1 had something to do with me.

11:57:35 2 Q. I'm trying to understand what it would
11:57:37 3 take for you to feel it was connected to you or had
11:57:42 4 something to do with you, so that you would write it
11:57:45 5 down.

11:57:45 6 A. Well, number one, I made the tape. The
11:57:53 7 note reflects that tape. It would have reflected
11:57:55 8 that tape. So that would be my reason for -- for
11:58:00 9 writing it down.

11:58:02 10 MS. HAGANS: Can I say something?

11:58:04 11 MR. MCGOWAN: Technically, it's not
11:58:06 12 appropriate. May we go off the record.

11:58:09 13 (Discussion off the record.)

11:59:14 14 BY MR. MCGOWAN:

11:59:21 15 Q. Do you remember ever writing down the time
11:59:27 16 a person went on their break and then noting the
11:59:30 17 time that they came back on their break?

11:59:35 18 A. To the best of my knowledge, it's a
11:59:36 19 possibility.

11:59:38 20 Q. Is it a possibility that that person would
11:59:43 21 have been an employee of your department?

11:59:45 22 A. Yes, to the best of my knowledge. Yes.

11:59:49 23 Q. And you would have done that perhaps
11:59:52 24 because you were being criticized for taking a break

11:59:55 1 that was more than 15 minutes long?

12:00:04 2 A. No.

12:00:04 3 Q. Why would you write that kind of
12:00:04 4 information down then, if you did?

12:00:04 5 A. If it would just -- the main reason why
12:00:07 6 was to protect myself.

12:00:27 7 Q. Exhibit F, as I look at the cassette tape,
12:00:30 8 it looks like it's half on one reel and half on the
12:00:33 9 other. Do you see what I'm saying?

12:00:35 10 A. Yeah.

12:00:35 11 Q. Do you think that has anything to do with
12:00:38 12 what is recorded or what is not recorded on the
12:00:40 13 tape?

12:00:41 14 A. I put it there so you can find the
12:00:45 15 conversation.

12:00:46 16 Q. Okay. Now, you're not going to let me
12:00:53 17 have these tapes, you said. Are you willing to, at
12:00:59 18 my expense, make a copy of these tapes so that I
12:01:02 19 have them and I can go and listen to them when I
12:01:04 20 have a chance?

12:01:10 21 A. What do you mean, take my tapes with you?

12:01:13 22 Q. No. You said already that you are not
12:01:15 23 going to agree to that.

12:01:17 24 A. Right.

12:01:17 1 Q. I'm asking you if you would agree, if I'll
12:01:21 2 pay for it, if you would take them to a shop that
12:01:25 3 can duplicate these tapes so that I can have a set
12:01:27 4 of my own to listen to.

12:01:30 5 A. Well, you have the transcript.

12:01:31 6 Q. I understand that, ma'am, but I'm also
12:01:35 7 entitled to have a copy of the tape, just like there
12:01:40 8 are copies of documents that we've exchanged in this
12:01:44 9 case. There are people who can make copies of these
12:01:47 10 tapes so that I could have a set to listen to.

12:01:50 11 A. But you haven't exchanged much information
12:01:53 12 with me like I have given you. I've given you all
12:01:57 13 types of information and you barely gave me
12:02:00 14 anything. I requested it and you did not give me
12:02:05 15 the information that I request. And now you want
12:02:07 16 copies of the tape, but you aren't willing -- it
12:02:11 17 should be equal. The same way I request things from
12:02:14 18 you and you don't give them to me, how -- how do you
12:02:17 19 think I feel?

12:02:19 20 Q. Ma'am, I'm asking you, will you agree, if
12:02:22 21 I pay for it, to take these tapes to some place
12:02:27 22 locally to have them duplicated?

12:02:29 23 A. If you're saying I don't have no choice
12:02:33 24 then I will have to.

12:02:36 1 Q. I'm not saying you don't have a choice,
12:02:38 2 I'm asking you if you would agree to do that.

12:02:41 3 A. You said if I don't have a -- but you're
12:02:45 4 asking me will I agree to do that, but I'm saying if
12:02:49 5 I don't have a choice I would.

12:02:51 6 Q. So are you saying that unless the Court
12:02:54 7 orders you to do it you're not going to agree?

12:02:57 8 A. Well, they have to be made. If you
12:03:00 9 want -- like I'm saying, you said that you want a
12:03:02 10 copy, right?

12:03:03 11 Q. Yes, ma'am.

12:03:05 12 A. Request it and then we take it from there.

12:03:07 13 Q. Well, I've already requested copies of
12:03:10 14 these tapes, and you've brought them here today
12:03:15 15 after the Court said that I was entitled for you
12:03:18 16 to --

12:03:18 17 A. Bring them here.

12:03:21 18 Q. -- bring them, yeah. And just as we would
12:03:24 19 make a copy of an original document that you would
12:03:27 20 bring with you here today, I'm entitled to get a
12:03:29 21 copy of these tapes.

12:03:31 22 A. Well --

12:03:31 23 Q. And I'm willing to pay for them. Okay?

12:03:35 24 A. Uh-huh.

12:03:36 1 Q. So I would like to have your agreement
12:03:38 2 that if I give you the location where there's a
12:03:41 3 company that will make copies of these here in
12:03:45 4 Middletown, that you would agree that you would
12:03:47 5 deliver these tapes to have copies made.

12:03:49 6 A. I would not want to go where you go to
12:03:53 7 make those tapes.

12:03:54 8 Q. Well, I don't go anywhere.

12:03:56 9 A. Well --

12:03:56 10 Q. I would just be trying to find somebody
12:03:57 11 that did them. If you've got somebody in mind that
12:04:00 12 will do the work, that's fine.

12:04:02 13 A. I was thinking I would rather someone --
12:04:05 14 if you pay for it, I would rather for someone else
12:04:09 15 to make the copies, other than someone you select.

12:04:13 16 Q. Well then who would you select?

12:04:15 17 A. I would have to first do some research.

12:04:19 18 Q. That's what I would have to do also,
12:04:21 19 ma'am. I don't know of anybody in Middletown. I
12:04:24 20 would have to do research. So I'm trying to work
12:04:29 21 this out with you as to how you want to proceed. If
12:04:32 22 you are not going to accept somebody that I select,
12:04:36 23 will you do the research and select somebody and let
12:04:39 24 me know who it is I need to pay?

12:04:41 1 A. Okay.

12:04:43 2 Q. And will you tell me who that is so I can
12:04:46 3 touch base with them and find out how much they want
12:04:48 4 to do this?

12:04:49 5 A. Okay.

12:04:55 6 Q. Do you think you could do that in the next
12:04:56 7 week?

12:04:59 8 A. I will try.

12:05:01 9 Q. Okay. That's fair enough.

12:05:09 10 Now, when I took your deposition before I
12:05:13 11 had asked you if you had written anything down such
12:05:17 12 as a summary of what happened during a meeting that
12:05:22 13 you had with Linda Day. And you said you did do
12:05:27 14 that and you had it at home. And I said, could you
12:05:30 15 bring that and give it to me along with the other
12:05:32 16 documents I have asked for. And you said yes. Do
12:05:35 17 you have that summary with you today?

12:05:38 18 A. You have one in the transcript. That's
12:05:40 19 what I mean.

12:05:42 20 Q. All right. So had you already prepared a
12:05:44 21 transcript when you answered this question?

12:05:47 22 A. No. I -- I don't know. I don't know. I
12:05:50 23 might have been working on it -- on one. I don't
12:05:54 24 know. I might have had some notes or something, but

12:06:06 1 I don't know. I can't -- to the best of my
12:06:06 2 knowledge, I don't know.

12:06:29 3 Q. Let me read to you some questions and
12:06:31 4 answers that were part of our last session of your
12:06:35 5 deposition so that you understand what I'm going to
12:06:37 6 be asking.

12:06:43 7 You said: We had an OZ principal meeting.
12:06:46 8 That's where our whole unit got together and discuss
12:06:49 9 our unit. I asked Dawn in that meeting, do I help
12:06:53 10 her, do I assist? And she said yes. At that time
12:06:57 11 Linda Day didn't say nothing. She didn't make no
12:07:02 12 comment.

12:07:02 13 Question: Was that a conversation that
12:07:03 14 was taped?

12:07:05 15 Answer: Yes.

12:07:06 16 Question: With Dawn?

12:07:08 17 Answer: Yes.

12:07:11 18 Is that the tape we have here today that
12:07:13 19 you brought with you?

12:07:14 20 A. No. No.

12:07:15 21 Q. Where is that tape, ma'am?

12:07:16 22 A. I don't know. To the best of my knowledge
12:07:18 23 right now, I don't know.

12:07:24 24 Q. Do you still believe though that that was

12:07:26 1 taped?

12:07:26 2 A. Yes.

12:07:26 3 Q. And have you looked for that tape?

12:07:28 4 A. Yes, I have looked for all of my tapes.

12:07:31 5 Q. Okay. Ma'am, I'm going to show you what

12:08:26 6 you marked as Plaintiff's Exhibit 01-A in documents

12:08:32 7 that you furnished to me in this case. Do you

12:08:35 8 remember that?

12:08:39 9 A. Yes.

12:08:42 10 Q. Just so that we're clear, could you tell

12:08:45 11 me which of these tapes that you brought with you

12:08:47 12 today correspond with the transcript that you've

12:08:51 13 marked as that exhibit number?

12:08:55 14 A. Okay. Written transcript of meeting with
12:08:57 15 Linda Day at 3:15 on August 18th, 2000. It would be
12:09:13 16 probably this one, E.

12:09:17 17 Q. All right. Which side, A or B, ma'am?

12:09:20 18 A. E, A.

12:09:21 19 Q. The A side of Exhibit E?

12:09:25 20 A. Yes.

12:09:26 21 Q. Okay. Now I'm going to hand you what you
12:09:33 22 had previously marked as Plaintiff's Exhibit 01-D.

12:09:39 23 Do you recognize that as a transcript you prepared?

12:09:41 24 A. Yes.

12:09:42 1 Q. Can you tell me which of these tapes that
12:09:44 2 would correlate with?

12:09:48 3 A. It would be the A side of E.

12:09:54 4 Q. All right. Exhibit E, the A side,
12:10:00 5 correct?

12:10:00 6 A. Yes.

12:10:01 7 Q. Okay. Now I'm going to hand you
12:10:07 8 Plaintiff's Exhibit 01-C. Do you recognize that as
12:10:10 9 another transcript?

12:10:11 10 A. Yes.

12:10:12 11 Q. Which tape does that correlate with,
12:10:15 12 ma'am?

12:10:25 13 A. It would be -- it would be C -- I mean --
12:10:33 14 C. Deposition --

12:10:35 15 Q. -- Exhibit C. Yes.

12:10:36 16 A. Uh-huh.

12:10:36 17 Q. And what side?

12:10:37 18 A. B.

12:10:38 19 Q. All right. B side. Thank you.

12:10:50 20 May I see those transcripts again, please.
12:10:52 21 Please.

12:11:04 22 I'm going to hand you what's been marked
12:11:07 23 as Plaintiff's Exhibit 01-B by you in materials
12:11:11 24 provided to me. Do you recognize that as another

12:11:13 1 transcript?

12:11:14 2 A. Yes.

12:11:15 3 Q. You prepared that?

12:11:16 4 A. Yeah.

12:11:16 5 Q. Which tape would that correlate with,
12:11:19 6 ma'am?

12:11:19 7 A. It would be B -- I mean, it would be C.

12:11:25 8 Q. And which side of the tape?

12:11:27 9 A. B.

12:11:28 10 Q. Okay.

12:12:38 11 (Deposition Exhibit G
12:12:38 was marked for identi-
12:12:38 12 fication.)

12:12:38 13 Q. Ma'am, could you tell me if you received
12:12:41 14 what's been marked as Exhibit G? It's a letter
12:12:44 15 addressed to you in June of 2001, I believe.

12:13:25 16 A. To the best of my ability, I haven't seen
12:13:30 17 this. To the best of my ability or best of my
12:13:41 18 knowledge, I don't recall seeing this.

12:13:51 19 Q. Do you ever recall receiving
12:13:53 20 correspondence from Margie Laut, L-A-U-T, Human
12:13:56 21 Resources Director of Butler County?

12:13:59 22 A. I remember speaking to her, and yes, I
12:14:03 23 recall one letter from her.

12:14:09 24 Q. Do you remember when that was?

12:14:15 1 A. I would say 2001, maybe. To the best of
12:14:19 2 my ability, 2001.

12:14:22 3 Q. In June of 2001 were you living at 1812
12:14:26 4 Grand Avenue at the time?

12:14:28 5 A. Yeah, but that is not the letter I
12:14:29 6 received.

12:14:30 7 Q. Is the correct ZIP Code for your address
12:14:33 8 Middletown, Ohio, 45044?

12:14:35 9 A. Yes, but that's not the letter I received.
12:14:39 10 Yes. To the best of my ability, I remember her
12:14:46 11 writing a letter, and it was like telling me that,
12:14:49 12 come back to work or I will be terminated or fired
12:14:52 13 or something like that. It didn't have this. This
12:14:57 14 wasn't the letter. It was telling me that I should
12:15:00 15 have been back to work.

12:15:03 16 Q. What was the last day you actually worked
12:15:06 17 at Butler County?

12:15:07 18 A. February 27th, 2001.

12:15:09 19 Q. Was that the day before a surgery that you
12:15:11 20 had?

12:15:12 21 A. Yes.

12:15:12 22 Q. By Dr. Janis?

12:15:14 23 A. Yes. February 27th, 2001.

12:15:18 24 Q. Okay.

12:15:19 1 A. I do not recall this letter, June 13th,
12:15:23 2 2001.

12:15:24 3 MR. MCGOWAN: Would you mark this, please.

12:15:41 4 (Deposition Exhibit H
12:15:41 5 was marked for identi-
12:15:41 5 fication.)

12:15:42 6 Q. Let me ask you to look at Deposition
12:15:46 7 Exhibit H. Ask you if you remember seeing that
12:15:49 8 before?

12:16:07 9 A. I remember this letter. I don't know if
12:16:11 10 this is exactly the word that was stated, but I
12:16:15 11 remember this letter, January 16th, 2001.

12:16:22 12 MR. MCGOWAN: Would you mark this, please.

12:16:24 13 (Deposition Exhibit I
12:16:24 14 was marked for identi-
12:16:24 14 fication.)

12:16:36 15 Q. Hand you what's been marked as Deposition
12:16:38 16 Exhibit I. Do you remember receiving that letter?

12:16:57 17 A. February 16th, 2001, to the best of my
12:17:04 18 knowledge, I haven't seen this one. To the best of
12:17:07 19 my knowledge, I received a letter saying that I was
12:17:10 20 supposed to come back to work.

12:17:17 21 Q. Is that letter one that has your correct
12:17:20 22 address on it?

12:17:22 23 A. This letter here has my correct address on
12:17:26 24 it. I haven't seen this letter, to the best of my

12:17:37 1 knowledge. I know I haven't. Or at least I think I
12:17:50 2 haven't seen this.

12:17:52 3 (Deposition Exhibit J
12:17:52 4 was marked for identi-
12:17:52 5 fication.)

12:17:52 5 Q. Let me ask you to take a look at what has
12:18:03 6 been marked as Deposition Exhibit J. It consists of
12:18:03 7 two pages. I'll ask you if you've ever seen that
12:18:03 8 before.

12:18:24 9 A. To the best of my knowledge, I have seen
12:18:25 10 papers similar to this, but I cannot say, to the
12:18:28 11 best of my knowledge, I don't believe I've seen
12:18:31 12 these, "Permanent Disability, 5-17-01." "PERS
12:18:37 13 Disability Filed, Copy of Filing Attached." I don't
12:18:42 14 think I ever received anything that said "PERS
12:18:46 15 Disability Filed, Copy of Filing Attached."

12:18:51 16 Q. P-E-R-S stands for Public Employees
12:18:55 17 Retirement System?

12:18:56 18 A. Yeah. Yeah. Uh-huh.

12:18:59 19 Q. You did file a disability application with
12:19:03 20 PERS, correct?

12:19:04 21 A. Yes. Uh-huh.

12:19:05 22 Q. Would you agree with me that this appears
12:19:07 23 to be a doctor's statement from Dr. Janis concerning
12:19:10 24 you?

12:19:10 1 A. It appears to be, yes, it does. And I
12:19:15 2 know that my doctor had faxed information that is
12:19:24 3 made -- probably looked the same as this, but I
12:19:28 4 cannot tell you that I actually saw this.

12:19:33 5 Q. Did you ask Dr. Janis to provide some
12:19:36 6 information to PERS in connection with your request
12:19:39 7 for a disability application?

12:19:43 8 A. I filled the application, yes.

12:20:20 9 (Deposition Exhibit K
12:20:20 was marked for identi-
12:20:20 10 fication.)

12:20:21 11 Q. Asking you to look at Deposition Exhibit
12:20:24 12 A, Ms. Hurston. Do you recall receiving that
12:20:27 13 letter?

12:21:03 14 A. I do not recall this letter of May 7th,
12:21:05 15 2001. To the best of my ability, I haven't read
12:21:11 16 this before. It's the May 7th, 2001 letter, from
12:21:22 17 Margie Laut.

12:22:12 18 (Deposition Exhibit L
12:22:12 was marked for identi-
12:22:12 19 fication.)

12:22:12 20 Q. Handing you what has been marked as
12:22:16 21 Deposition Exhibit L. Is that your signature that
12:22:18 22 appears on the document, ma'am?

12:22:19 23 A. Yes.

12:22:19 24 Q. Do you remember signing that on or about

12:22:22 1 April 30, 2001?

12:22:23 2 A. Yes. Let me see. That's my signature.

12:22:42 3 Date leave to begin: 2/28/01. Expected duration:

12:22:48 4 8 to 12 weeks. I recall seeing this before, yeah.

12:22:59 5 Q. And you signed it, right?

12:23:00 6 A. Yes.

12:23:01 7 (Deposition Exhibit M
12:23:01 was marked for identi-
12:23:01 fication.)

12:23:01 9 Q. Let me ask you to look at Deposition

12:23:03 10 Exhibit M. Do you recognize that as a copy of your

12:23:05 11 job description when you began to work as a machine

12:23:10 12 operator 2?

12:23:12 13 A. No. This is not my job description that I
12:23:17 14 received when I began to work for Butler County, no.

12:23:25 15 Deposition marked M is not a job description when I

12:23:29 16 began to work as a machine operator.

12:23:36 17 Q. When did it become effective?

12:23:41 18 A. This became, this job description of
12:23:43 19 7/6/90 became effective on, I guess, 7/6/90. I
12:23:51 20 recall seeing -- having this job description on
12:23:58 21 7/9/1990.

12:24:01 22 Q. When did you start working as a class 2
12:24:05 23 machine operator for Butler County?

12:24:07 24 A. It had to be in approximately '89, '88

12:24:12 1 1988-'89. I have several different job descriptions
12:24:19 2 besides this one.

12:24:24 3 Q. Where are they?

12:24:25 4 A. You should have them.

12:24:27 5 Q. Besides whatever you say about what I
12:24:32 6 should have, where do you have it?

12:24:33 7 A. Where do -- I have a copy. I got the
12:24:36 8 copies of the job description. So I know you should
12:24:39 9 have it, too.

12:24:44 10 Q. How many job descriptions do you have?

12:24:45 11 A. Approximately four.

12:24:48 12 Q. What are the dates on them?

12:24:54 13 A. At this moment I cannot, to the best of my
12:24:58 14 knowledge, I can't give you the date on them. If I
12:25:01 15 had the copies in front of me I could, but I don't
12:25:03 16 have the dates in front of me.

12:25:04 17 Q. Are any of them before July of 1990?

12:25:07 18 A. Yes.

12:25:11 19 Q. Are any of them after July of 1990?

12:25:14 20 A. The one -- yes, you -- you going to show
12:25:17 21 me one, right? Of 2000 -- 2001. They changed it
12:25:22 22 after that time.

12:25:23 23 Q. After the job audit?

12:25:24 24 A. 2001, yes, after the job audit they

12:25:28 1 changed it.

12:25:33 2 Q. How was the job description changed as a
12:25:34 3 result of the job audit?

12:25:38 4 A. They reduced my responsibility as a
12:25:43 5 purchaser and procurement.

12:25:55 6 (Deposition Exhibit N
12:25:55 was marked for identi-
12:25:55 7 fication.)

12:25:55 8 Q. Would you look at Deposition Exhibit N and
12:25:57 9 tell me whether you received a letter like that.

12:26:24 10 A. Your Exhibit N which state -- I have not,
12:26:32 11 to the best of my ability, have not seen this, this
12:26:39 12 letter.

12:26:40 13 (Deposition Exhibit O
12:26:40 was marked for identi-
12:26:40 14 fication.)

12:26:40 15 Q. Would you look at Deposition Exhibit O and
12:26:42 16 tell me if that contains your signature.

12:26:45 17 A. Uh-huh. Because it's got on there -- on
12:26:51 18 this letter it states, "If you are unable to return
12:26:58 19 to work on May 1st, 2001 and require additional
12:27:04 20 Family Medical Leave, you will be required to
12:27:06 21 complete a new request for Family Medical Leave." I
12:27:11 22 don't re-- never recall seeing this, to the best of
12:27:16 23 my ability. And then, see that line, then? That
12:27:20 24 look like that might have been copied (indicating).

12:27:24 1 Even like this one, some of these (indicating) look
12:27:27 2 like it could have been cut off and put my
12:27:30 3 signature. I didn't sign any signature. See these
12:27:39 4 lines through here (indicating)? Somebody could cut
12:27:41 5 off a top of one letter and put it on top of another
12:27:45 6 letter and my signature would still be there. It's
12:27:48 7 a line through here, a line through that letter as
12:27:53 8 well.

12:27:58 9 Q. So does that contain your signature or
12:28:00 10 not, ma'am?

12:28:09 11 A. I may have wrote that signature, but that
12:28:09 12 don't mean that letter.

12:28:09 13 Q. Well, do you have any reason to believe
12:28:10 14 that there's been something cut off --

12:28:15 15 MS. HAGANS: Oh, the tape.

12:28:37 16 (Discussion off the record.)

12:28:40 17 A. What was your question?

12:28:42 18 Q. My question is are you saying somebody cut
12:28:45 19 up Exhibit O and connected a portion of a page that
12:28:50 20 you signed to the rest of this document?

12:28:52 21 A. It's a possibility.

12:28:53 22 Q. No, I'm not asking what's possible.

12:28:55 23 A. It's a possibility.

12:28:57 24 Q. I guess anything's possible. Are you

12:28:58 1 saying somebody did that?

12:29:00 2 A. What I'm saying, it's a possibility. I
12:29:02 3 can't say. I wasn't there to see.

12:29:04 4 Q. Is it a possibility?

12:29:05 5 A. It's a possibility. See the line through
12:29:07 6 the paper? I'm saying it's possible.

12:29:11 7 Q. Is it possible that that line was created
12:29:14 8 by the copier and doesn't have anything to do with
12:29:16 9 whether something was cut or not?

12:29:18 10 A. It looks like it has been cut, and this is
12:29:21 11 an even line.

12:29:22 12 Q. Is it possible the copier created that
12:29:25 13 line without having anything to do with cutting it?

12:29:28 14 A. These are neat lines. It's a possibility
12:29:29 15 of a lot of things, sir.

12:29:30 16 Q. Is it possible that that is, in fact, a
12:29:33 17 form that you signed and sent in?

12:29:36 18 A. It's a -- see, this look like this may
12:29:39 19 have been added onto here, and I -- it's a
12:29:43 20 possibility. It's a possibility I could have signed
12:29:46 21 it and it's a possibility that I didn't.

12:29:49 22 Q. Okay. But there's no question that
12:29:51 23 this --

12:29:52 24 A. The line is too neat.

12:29:54 1 Q. There's no --

12:29:55 2 A. This -- this line is up under -- this line
12:29:58 3 is right up under that whole sentence. See what I'm
12:30:02 4 saying here (indicating). This line is up under
12:30:03 5 that whole sentence. So I cannot say I signed that.

12:30:08 6 Just like this here where this question is
12:30:12 7 asked, on Deposition Exhibit N where it's got in
12:30:17 8 here -- that's -- that's what I said, to the best of
12:30:21 9 my knowledge, I don't know nothing about: If you
12:30:23 10 are unable to return to work May 1st and require
12:30:26 11 additional Family Medical Leave, you will be
12:30:28 12 required to complete a new request for Family
12:30:32 13 Medical Leave and have your physician or
12:30:34 14 practitioner provide a new certification of your
12:30:38 15 medical condition. I never seen that. So,
12:30:43 16 therefore, this is a neat line, just like this here.
12:30:46 17 And if it was on the machine, unlesen this letter
12:30:51 18 here was scooted all the way down on the machine,
12:30:53 19 that would not happen. That would not happen.

12:30:57 20 Q. There's no question that that exhibit has
12:31:01 21 your signature on it, correct?

12:31:02 22 A. It has my signature on it, but that don't
12:31:05 23 mean that I signed this paper. See (indicating.)

24

12:31:06 1 (Deposition Exhibit P
12:31:06 was marked for identi-
12:31:06 2 fication.)

12:31:29 3 Q. Would you look at Exhibit P, and tell me
12:31:32 4 if that's your signature on that document.

12:31:38 5 A. Again, this signature has Brenda K.
12:31:42 6 Hurston on it, but, again, just like all the other
12:31:46 7 papers you showed me, you can tell where this
12:31:51 8 straight line is in the paperwork. And it's a
12:31:53 9 possibility that this document is not a real and
12:31:58 10 true and correct document, because the line, again,
12:32:02 11 is too straight, and some of this -- I know my
12:32:07 12 signature, but it's not guaranteed that this is
12:32:11 13 my -- this letter I signed.

12:32:13 14 Q. But that is your signature?

12:32:15 15 A. That is -- Deposition Exhibit P, all of
12:32:18 16 these got them line in it. Even the letter
12:32:21 17 June 13th, 2001 has that same line in it. So I
12:32:29 18 cannot tell you, to the best of my ability, that I
12:32:32 19 signed these sheets.

12:32:33 20 Q. You don't know what that line means
12:32:35 21 though, do you?

12:32:36 22 A. Could I have a copy?

12:32:38 23 Q. Do you know what that line means?

12:32:40 24 A. May I have a copy?

12:32:40 1 Q. Do you know what the line means?

12:32:42 2 A. May I have a copy, sir?

12:32:43 3 Q. Do you know what the line means?

12:32:44 4 A. Well, I know that it's a possibility that
12:32:46 5 I didn't sign these papers, and I would like to have
12:32:49 6 a copy.

12:32:50 7 Q. Do you know what the line means?

12:32:52 8 A. Do you know?

12:32:54 9 Q. Ma'am, you're arguing.

12:32:56 10 A. Why -- why are you asking me do I know
12:32:57 11 where the line is and what it means when you know I
12:33:00 12 can't tell you why.

12:33:02 13 Q. Okay. You can't tell me why there's a
12:33:03 14 line there, can you?

12:33:04 15 A. But I used to work on -- on certain forms
12:33:08 16 and stuff and never has that happened. Never has
12:33:16 17 that happened.

12:33:26 18 (Deposition Exhibit Q
12:33:26 19 was marked for identi-
12:33:26 19 fication.)

12:33:28 20 Q. Do you see any line on Exhibit Q similar
12:33:34 21 to the line you were talking about on the other
12:33:35 22 documents?

12:33:39 23 A. I don't see no line there.

12:33:40 24 Q. Is that your signature on Exhibit Q?

12:33:42 1 A. That's my signature there.

12:33:43 2 Q. Did you sign that document?

12:33:45 3 A. I cannot tell you whether I signed it or
12:33:48 4 not. And this is my point right here (indicating).
12:34:03 5 These are the same letter. Deposition Exhibit O and
12:34:12 6 Q are similar letter, one with the line in it and
12:34:15 7 one with the line not in it.

12:34:19 8 Q. Do you see any difference in the two
12:34:20 9 documents except for that line?

12:34:21 10 A. This one is stamped -- this one you got a
12:34:25 11 Received stamp on, on Deposition Exhibit O, you got
12:34:29 12 a Received stamp on it, March 20th, 2001. And then
12:34:36 13 on Deposition Exhibit Q you do not have a stamp date
12:34:40 14 on it and it does not have a line. And if these are
12:34:44 15 supposed to be the same document, where is the line?
12:34:47 16 Where is the line at?

12:34:50 17 Q. What's the difference between the two of
12:35:01 18 them other than the stamp?

12:35:01 19 A. Where is the line? Do you see what I'm
12:35:01 20 saying? And also, let me see -- let me see. I see
12:35:03 21 they claim that I did it on both dates, don't it?
12:35:07 22 Hmm. But only the one they've got Received on --
12:35:11 23 on -- has got a line on it altogether.

12:35:13 24 Plus, it's a lot of difference. Even like

12:35:17 1 here, this -- this paper, see where Adoption -- on
12:35:21 2 Deposition Exhibit O, it has, "For Adoption" in the
12:35:27 3 "or," o-r, it is close to the edge of the paper and
12:35:32 4 almost completely off of the paper. Where Exhibit
12:35:35 5 Deposition Exhibit Q -- I mean, Deposition Exhibit
12:35:40 6 Q, the whole word is on the paper and the margin is
12:35:43 7 approximately an inch. Approximately an inch.

12:35:50 8 And then you notice here also the Revised
12:35:54 9 date is cut off at the top up here where it's faded,
12:35:57 10 where this date here (indicating) is completely on
12:36:00 11 the paper. So, therefore, if I'm supposed to sign
12:36:03 12 both of these papers on the same date, the paper --
12:36:09 13 there should not be a difference in them. And this
12:36:14 14 is the same signature. So you see that is the same
12:36:19 15 signature.

12:36:20 16 So it's a possibility that could have been
12:36:22 17 cut off and taped and then copied. Also the staple
12:36:27 18 on the left corner of Deposition Exhibit Q, it's got
12:36:33 19 staple marks here. Where is the staple mark in
12:36:37 20 Deposition Exhibit O?

12:36:39 21 Q. What's that have to do with the body of
12:36:41 22 the document?

12:36:42 23 A. Well, it has a lot. It has a lot to do
12:36:44 24 the doc-- I may not have signed these papers.

12:36:47 1 That's what it means.

12:37:00 2 (Discussion off the record.)

12:37:01 3 THE WITNESS: Can I have a copy of these
12:37:03 4 things here?

12:37:06 5 MR. MCGOWAN: The court reporter can make
12:37:07 6 a copy of anything you wish.

12:37:08 7 THE WITNESS: Okay. I would like to have
12:37:10 8 them all.

12:37:41 9 (Deposition Exhibit R
12:37:41 10 was marked for identi-
12:37:41 10 fication.)

12:37:42 11 Q. Showing you what's been marked as Exhibit
12:37:45 12 R, Deposition Exhibit R. Do you remember receiving
12:37:48 13 a copy of that memo?

12:37:59 14 A. This appears to be a copy that I received.
12:38:06 15 Defendant's Exhibit R -- Deposition R -- Exhibit R,
12:38:11 16 it appears to be a copy that I have seen.

12:38:17 17 (Deposition Exhibit S
12:38:17 18 was marked for identi-
12:38:17 18 fication.)

12:38:18 19 Q. I'd like to show you next Deposition
12:38:20 20 Exhibit S. Does that appear to be a copy of an
12:38:22 21 amended unfair labor practice charge which you filed
12:38:24 22 against Butler County?

12:38:25 23 A. It appears to be a copy that I could have
12:38:28 24 filled out.

12:38:29 1 Q. Does it have your handwriting on it?

12:38:34 2 A. On the second page? It appears to be my
12:38:48 3 signature, but, again, it may not be. It's a
12:38:52 4 possibility. It's 01-ULP-01-0006. It appears to be
12:39:00 5 a copy that I have filled out.

12:39:07 6 Q. Besides your signature, do you see any
12:39:09 7 other handwriting on that exhibit that is yours?

12:39:14 8 A. The handwriting appears to be mine.

12:39:18 9 Q. Okay.

12:39:35 10 A. And that is the unfair labor practice
12:39:38 11 charge.

12:39:38 12 MS. HAGANS: What's the date on that?

12:39:41 13 THE WITNESS: Fax, January 23rd, 2001.

12:39:47 14 And it's regarding June Hom or Kat, almost next
12:39:53 15 to the bottom of the paragraph at the top.

12:40:02 16 And this is probably -- it's got page 04
12:40:06 17 on this page, and it's three pages, but it's
12:40:10 18 got page 4, and it's a possibility this is --
12:40:14 19 this is it.

12:40:42 20 I want a copy of that, too. And I need a
12:40:59 21 copy of this (indicating). I don't know if --
12:41:01 22 this is a three-pager. I want a copy of this,
12:41:04 23 too (indicating). All of this. I'll take a
12:41:09 24 copy of all of it. I'll put it over here, if

12:41:11 1 you don't mind.

12:41:16 2 MR. MCGOWAN: The court reporter will take
12:41:18 3 charge of those exhibits and can make copies of
12:41:20 4 any of the exhibits that you want or all of the
12:41:22 5 exhibits. That's between you and the court
12:41:24 6 reporter.

12:41:24 7 THE WITNESS: Okay. May I have a copy,
12:41:27 8 please.

12:41:31 9 THE REPORTER: Off the record.

12:41:38 10 (Discussion off the record.)

12:41:51 11 (Deposition Exhibit T
12:41:51 was marked for identi-
12:41:51 12 fication.)

12:41:54 13 Q. Handing you what's been marked Exhibit T.
12:41:57 14 You received a copy of that report from
12:41:59 15 Dr. Sammarco?

12:42:06 16 A. I received a copy from you.

12:42:07 17 Q. Okay. Did you also receive a copy of a
12:42:15 18 report from Dr. Weaver?

12:42:17 19 A. I received a copy from you.

12:42:19 20 Q. Of Dr. Weaver's report?

12:42:22 21 A. Yeah. Do you have that copy with you?

12:42:26 22 Q. No, I don't.

12:42:50 23 MS. HAGANS: You don't have a report from
12:42:53 24 Dr. Weaver, right?

12:42:54 1 MR. MCGOWAN: I have a report from Dr.
12:42:57 2 Weaver. I furnished it to her, but I don't
12:42:59 3 have it with me at this moment because I didn't
12:43:02 4 bring the entire file with me.

12:43:05 5 MS. HAGANS: You don't have a copy of it,
12:43:06 6 right?

12:43:07 7 THE WITNESS: I have a copy of Dr.
12:43:08 8 Weaver's report that was submitted by Marla
12:43:14 9 Scully, his associate.

12:43:24 10 BY MR. MCGOWAN:

12:43:24 11 Q. Does Susan Oakes spell her last name
12:43:27 12 O-A-K-E-S, do you know?

12:43:29 13 A. I don't know.

12:43:35 14 Q. Who's Mike Brockman, Deputy Brockman? Is
12:43:42 15 there a Deputy Brockman?

12:43:44 16 A. It used -- as far as I know of. As far as
12:43:47 17 I know of.

12:43:47 18 Can I have a copy of that, too?

12:43:49 19 Q. Who is that?

12:43:50 20 A. He was a deputy. That's a -- do you have
12:43:53 21 a statement from him?

12:43:54 22 Q. No.

12:43:55 23 A. May I have a copy of it?

12:43:56 24 Q. Ma'am, these are all of the exhibits that

12:43:58 1 Mr. Duckett provided to the EEOC in response to your
12:44:02 2 complaint. And all of those, I believe you have.

12:44:04 3 A. May I look through there?

12:44:14 4 Q. No, you may not.

12:46:02 5 (Deposition Exhibit U
12:46:02 was marked for identi-
12:46:02 6 fication.)

12:46:03 7 Q. Can you identify what has been marked as
12:46:07 8 Exhibit U for your deposition as one of the exhibits
12:46:11 9 that you submitted to me and has a "Plaintiff
12:46:14 10 Exhibit" on it?

12:46:15 11 A. It says "Plaintiff Exhibit 7-B." It's a
12:46:22 12 Damage Summary and Worksheet.

12:46:23 13 Q. Yes. How did you calculate your lost
12:46:27 14 wages on that?

12:46:31 15 A. Just like how it has: Future Disability
12:46:35 16 lost for 17 1/2 years, 188,736.00; Special Damages,
12:46:45 17 5,320; and General Damages, \$88,932; and the
12:46:53 18 calculation is what it is right here.

12:47:00 19 Q. How did you come up with your special
12:47:02 20 damages?

12:47:02 21 A. By just calculating the figures like how
12:47:07 22 we got here. The second page will show you: Gross
12:47:13 23 wage loss, 431. Right there. Right here
12:47:18 24 (indicating). That's the calculation, on page 2.

12:47:22 1 Q. Yeah, but on page 1 -- was your wage at
12:47:33 2 the time you asked for disability \$24,643.20?

12:47:39 3 A. To the best of my ability, I would not be
12:47:41 4 able to answer that question unless I go home or
12:47:45 5 do some figuring and scrapping and making sure
12:47:47 6 myself.

12:47:48 7 Q. Well, are all these figures that you put
12:47:50 8 in on this form?

12:47:51 9 A. It's a possibility, but like I said too,
12:47:55 10 unless I go home and calculate myself, it's a
12:47:59 11 possibility I cannot say that this is the actual
12:48:01 12 document. But that's my writing right there
12:48:04 13 (indicating).

12:48:04 14 Q. Where it says "Plaintiff Exhibit 7-B"?

12:48:07 15 A. Yeah.

12:48:07 16 Q. Did you highlight that?

12:48:09 17 A. Yes. It's a possibility, if you got it.

12:48:37 18 Q. Do you have any bills from Dr. Ir-- well,
12:48:41 19 yeah, Nurse Irwin I guess it is, Pat Irwin or
12:48:45 20 Dr. Ramirez?

12:48:47 21 A. I pay bills when I go to them, yes.

12:48:53 22 Q. Do you have any with you?

12:48:54 23 A. No.

12:49:08 24 Q. Do you see this figure of \$280 here?

12:49:11 1 A. Yes.

12:49:11 2 Q. Do you know how you came up with that
12:49:13 3 number?

12:49:13 4 A. No, I do not. It may even been an error.
12:49:18 5 I don't know. At this time, to the best of my
12:49:24 6 knowledge, I couldn't tell you.

12:49:26 7 Q. Do you see this \$120 here under amount?

12:49:28 8 A. Uh-huh. Yeah.

12:49:29 9 Q. Is that for Dr. Ramirez's services or is
12:49:33 10 that a combination of Dr. Ramirez and Nurse Irwin?

12:49:39 11 A. To the best of my ability, I could not
12:49:40 12 tell you. I would have to go home, see my paperwork
12:49:43 13 and then compare.

12:50:07 14 Q. Where does the \$450 for attorney fees come
12:50:11 15 from?

12:50:13 16 A. To the best of my ability, like I said, I
12:50:15 17 would have to go home, calculate my paperwork and
12:50:18 18 then see and then compare.

12:50:20 19 Q. Do you have a bill from an attorney?

12:50:23 20 A. To the best of -- no, I don't have one at
12:50:26 21 present.

12:50:26 22 Q. Do you have one that you've paid in the
12:50:30 23 past?

12:50:30 24 A. It's a possibility.

12:50:35 1 Q. It's a possibility that you have a bill
12:50:37 2 from an attorney that you paid in the past in the
12:50:39 3 amount of \$450?

12:50:41 4 A. It's a possibility that it could be
12:50:44 5 attorneys. I don't know. Like I said, I would have
12:50:47 6 to get my paperwork and then compare. But it got
12:50:54 7 "attorney's" with an apostrophe S, so...

12:50:57 8 Q. How did you calculate the \$80 for gas and
12:51:00 9 parking?

12:51:01 10 A. How I told you before, I would have to
12:51:03 11 get -- compare.

12:51:04 12 Q. What would you compare to find out how you
12:51:06 13 figured that out?

12:51:08 14 A. Well, like I said, I would have to go
12:51:10 15 home, take my paperwork and compare.

12:51:14 16 Q. Did you get a parking ticket?

12:51:16 17 A. Like I said, sir, no, I didn't get a
12:51:18 18 parking ticket.

12:51:22 19 Q. Okay.

12:51:51 20 MR. MCGOWAN: Would you mark that, please.

12:51:52 21 (Deposition Exhibit V
12:51:52 was marked for identi-
12:51:52 22 fication.)

12:52:06 23 Q. Would you look at Exhibit V, and tell me
12:52:08 24 if that shows the cart that you wanted to have.

12:52:12 1 A. Exhibit V? Yes, it does, Item F, Eldon
12:52:19 2 Utility Cart.

12:52:20 3 Q. Is there a picture shown there of the cart
12:52:22 4 that you would have liked?

12:52:26 5 A. Yes, what I requested. And it's item
12:52:30 6 Number 948-323.

12:52:32 7 Q. Would you circle that on the document,
12:52:33 8 please, for me, the picture.

12:52:36 9 A. (Witness complies.)

12:52:39 10 Q. Thank you. And is that the cart that you
12:52:45 11 eventually received in October or November?

12:52:51 12 A. To the best of -- yes, to the best of my
12:52:53 13 ability, that's the same cart Dawn has.

12:52:56 14 (Deposition Exhibit W
12:52:56 was marked for identi-
12:52:56 15 fication.)

12:53:02 16 A. Of 2001, right. Of 2001 -- I mean, of
12:53:07 17 2000.

12:53:27 18 Q. Could you tell me if Deposition Exhibit W
12:53:30 19 illustrates a chair that was ever provided for you
12:53:33 20 at work?

12:54:05 21 A. To the best of my ability, I cannot point
12:54:07 22 out the chair.

12:54:10 23 Q. Did you ask for an adjustable chair?

12:54:13 24 A. I asked for an adjustable chair, but I

12:54:15 1 didn't get an adjustable chair.

12:54:29 2 Q. Were any of the chairs provided on this
12:54:33 3 exhibit provided to you for work purposes?

12:54:36 4 A. To the best of my ability, I can't point
12:54:37 5 out the chair in this -- in your Deposition Exhibit
12:54:41 6 W, I can't point out the chair.

12:54:45 7 Q. Was any kind of adjustable chair provided
12:54:47 8 to you in the period between August and the end of
12:54:56 9 November of 2000?

12:55:07 10 A. To the best of my ability, I don't know if
12:55:07 11 the chair adjusted.

12:55:07 12 Q. What kind of a chair was provided for you?

12:55:07 13 A. It's similar, but I cannot tell you,
12:55:08 14 according by looking at this, I could not tell you
12:55:10 15 that these are one of the chairs.

12:55:12 16 Q. I understand. My question is to describe
12:55:15 17 for me as best you can the chair that was provided
12:55:18 18 to you, regardless of whether it's shown in this
12:55:21 19 exhibit or not.

12:55:22 20 A. It appears to look like one of these
12:55:24 21 chairs. They all are similar, especially if you see
12:55:28 22 the pictures where the arms is. They -- it was --
12:55:32 23 it's similar, but I cannot say, to the best of my
12:55:36 24 knowledge, I cannot say.

12:55:44 1 Q. So the chair that was provided to you had
12:55:47 2 arms on it?

12:55:51 3 A. To the best of my ability and my
12:55:54 4 knowledge, I cannot really tell you.

12:55:59 5 Q. Did it have wheels on it?

12:56:01 6 A. Pardon?

12:56:01 7 Q. Did it have wheels on it?

12:56:03 8 A. I believe it did, but I cannot actually
12:56:05 9 tell you.

12:56:07 10 Q. Was it --

12:56:08 11 A. I believe that it could have been --
12:56:10 12 because they favored these chairs, but I cannot tell
12:56:12 13 you, by looking at this, I could not tell you. But
12:56:15 14 I -- I cannot say that the chair adjusts. I
12:56:19 15 definitely can't tell you that.

12:56:21 16 Q. It may or may not have been adjustable?

12:56:25 17 A. Well, I was told that the chair I had did
12:56:27 18 not adjust.

12:56:28 19 Q. Who told you that?

12:56:30 20 A. Benny Goins.

12:56:32 21 Q. And how do you spell his last name?

12:56:34 22 A. G-O-I-N-S.

12:56:36 23 Q. And what's his position with the County?

12:56:45 24 A. I don't know the name of his position, but

12:56:48 1 he's like maybe a custodian, maybe.

12:56:56 2 Q. When did he tell you your chair was not
12:56:58 3 adjustable?

12:56:59 4 A. When I received it, I believe, or during
12:57:03 5 that period of time, I guess, when I received the
12:57:10 6 chair it did not adjust.

12:57:11 7 Q. When was that?

12:57:17 8 A. To the best of my knowledge, I can't
12:57:17 9 recall, but I believe it was in year 2000, maybe
12:57:22 10 October, November, to the best of my knowledge.

12:59:11 11 MR. MCGOWAN: Those are all the questions
12:59:12 12 I have today, ma'am. I would appreciate your
12:59:14 13 reviewing this deposition, make sure that it's
12:59:17 14 typed up accurately. And if you have any
12:59:20 15 corrections, follow the instructions from the
12:59:22 16 court reporter to see that it is corrected and
12:59:26 17 sign the deposition. You can arrange with the
12:59:30 18 court reporter, as I told you earlier, to make
12:59:32 19 copies of whatever Exhibits we've marked here
12:59:37 20 today.

12:59:46 21 I would like the original of your
12:59:47 22 deposition and a copy of the exhibits. And I
12:59:52 23 would like you to let me know who it is you
12:59:56 24 select to make copies of these tapes so that I

12:59:59 1 can find out what it will cost so that I can
13:00:04 2 take care of that and get those duplicated.

13:00:09 3 THE WITNESS: May I have copies of these
13:00:13 4 exhibits now? Could I get copies of these now?

13:00:16 5 MR. MCGOWAN: The court reporter will make
13:00:17 6 copies for you.

13:00:18 7 THE WITNESS: Well, could I get copies of
13:00:20 8 these today or now, of these exhibits that is
13:00:25 9 right here?

13:00:27 10 THE REPORTER: I'm going off the record.

13:00:28 11 (Discussion off the record.)

13:00:52 12 THE WITNESS: If I go somewhere to get
13:01:00 13 these copies made and pay for them, would you
13:01:02 14 then just let me -- follow me and I'll make the
13:01:06 15 copy of these now?

13:01:09 16 THE REPORTER: I would really not like to
13:01:14 17 do that.

13:01:19 18 THE WITNESS: I could get these copied.
13:01:20 19 We may even be able -- well, I could -- it
13:01:22 20 would be just really down the street that I
13:01:25 21 could get these copied.

13:01:29 22 MR. MCGOWAN: Let me see if somebody out
13:01:31 23 here can help you. I don't work here. If this
13:01:34 24 were my office I'd be happy to make a copy for

13:01:37

1

you.

13:01:38

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THE REPORTER: I'm going off the record.

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BRENDA K. HURSTON

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(Deposition concluded at 1:01 PM.)

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ERRATA SHEET

TO THE REPORTER: I, Brenda K Hurston, have read the entire transcript of my deposition taken on the 9 day of September, 2003, or the same has been read to me. I request the following changes be entered upon the record for the reason(s) indicated. I have signed my name to the signature page and authorize you to attach the following changes to the original transcript:

PLEASE DO NOT WRITE IN THE TRANSCRIPT

PAGE	LINE	CORRECTION (and reason)
136 -	18	Grand I do not live on Grant
157 -	4	was on 12-16-97 Is the date I typed order for utility cart.
157 -	9	of 1998 Approx. Jan. 1998, was when utility cart delivered
158 -	1	Cart did not arrive (SAME REASON AS 157, line 9) in 1999, but in 1998
160 -	17	{ No, but my hands, feet, & back hurt from trying to push/pull cart It is the truth.
169 -	10	Yes, through Gail Weigel Gail was Linda's supervisor too.
176 -	17	Ham. Active files It is the truth.
179 -	20	It came in the year 1997, when I typed requisition for Dawn & in 1998 upon my Return from feet surgeries. It is the truth.
180 -	12	REC'd the co-workers and Linda Day.
182 -	13	No I missed understood
182 -	15	No JACK'S question

ERRATA SHEET

TO THE REPORTER: I, Brenda K. Hurdon, have read the entire transcript of my deposition taken on the 9 day of September 2003, or the same has been read to me. I request the following changes be entered upon the record for the reason(s) indicated. I have signed my name to the signature page and authorize you to attach the following changes to the original transcript:

PLEASE DO NOT WRITE IN THE TRANSCRIPT

PAGE	LINE	CORRECTION (and reason)
183	- 11	YES I HAVE problems/bunions
183	- 14	YES I HAVE problems/NEUROMA
184	- 2	In Kettering IS Dr. Walker location.
186	- 11	YES SAME as REASON 183, line 11.
186	- 12	YES " "
193	- 3	YES, there may be. I'm not fairly confident
193	- 14	YES, there may be. I'm not fairly confident.
195	- 10	YES JACK already HAVE
205	- 19	His name? But he IT is the truth. CAME into office Where I was located.
206	- 3	No Sherry did not discuss with me regarding her written statement.
209	- 21	I RECEIVED A IT is the truth VERBAL AND A WRITTEN REPRIMAND AT THE SAME TIME.
254	- 4	1812 Grand Ave. THERE IS NO Grant Ave.

C E R T I F I C A T E

STATE OF OHIO :
SS:
COUNTY OF HAMILTON :

I, Wendy Davies Welsh, a duly qualified and
commissioned notary public in and for the State of
Ohio, do hereby certify that prior to the giving
of her deposition, the within named BRENDA K.

HURSTON was by me first duly sworn to testify the
truth; that the foregoing pages constitute a true
and correct transcript of testimony given at said
time and place by said deponent; that said
deposition was taken by me in stenotypy and
transcribed under my supervision; that I am neither
a relative of nor attorney for any of the parties to
this litigation, nor relative of nor employee of any
of their counsel, and have no interest whatsoever in
the result of this litigation. I further certify
that I am not, nor is the court reporting firm with
which I am affiliated, under a contract as defined
in Civil Rule 28 (D).

IN WITNESS WHEREOF, I hereunto set my hand and
official seal of office, at Cincinnati, Ohio, this
29th day of September, 2003.

MY COMMISSION EXPIRES:  WENDY L. WELSH, RDR-CRR
NOVEMBER 20, 2005. NOTARY PUBLIC, STATE OF OHIO